

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

)

v.

) CRIMINAL NO. 05-00017-WS

JUVENTAL ESPINOZA,

)

JUAN PEREZ-OLIVEROS,

)

Defendants.

ORDER

This matter is before the Court on a motion to continue the trial of this action from the May 2005 criminal trial term filed on behalf of defendant Juvental Espinoza. (Doc. 64.) As grounds for the motion, counsel for the defendant avers that the defendant, who may be mentally retarded, has a hearing impairment and does not speak English, has been evaluated by a local psychologist and that the results of this evaluation have not yet been received. Along with the motion, counsel has filed a speedy trial waiver signed by the defendant. Neither the government nor counsel for codefendant Perez objects to a continuance. Therefore, for good cause shown, the Court finds that the ends of justice outweigh the best interest of the defendant and the public in a speedy trial and hereby **GRANTS** the motion to continue.¹

The trial of both defendants is hereby **CONTINUED** to the **June 2005** criminal trial term which commences with jury selection on **Tuesday, May 31, 2005**.

DONE and **ORDRED** this the 20th day of April, 2005.

s/ CHARLES R. BUTLER, JR.

SENIOR UNITED STATES DISTRICT JUDGE

¹The Court further finds that any delay resulting from this continuance is excludable for Speedy Trial Act purposes pursuant to 18 U.S.C. § 3161(h)(8)(A) & (B)(i). Furthermore, the delay is also excludable as to codefendant Perez pursuant to 18 U.S.C. § 3161(h)(7).